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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,904

04/21/2004

Ronald L. Meyers

03104-01

5843

7590
Walter L. Beavers
326 South Eugene Street
Greensboro, NC 27401

07/25/2007

EXAMINER

HONG, JOHN C

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,904

Applicant(s)

MEYERS, RONALD L.

Examiner

JOHN C. HONG

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA(Applicant's Admitted Prior Art) in view of Loshkajian (U.S. 2005/0000979) and Franks (U.S. Patent 6732899).**

Regarding Claim(s) 1, AAPA as found on page 2, line 8-page 3, line 18 of the specification, teaches a method of boarding an item comprising the steps of: feeding a board onto a rotatable table; and placing an item on the board; rotating the table; and step of removing the board with the item affixed from the table.

But AAPA fails to teach the step of affixing the item to the board with an elastic staple; stabilizing the item on the board with a fixture ; and removing the (temporary) fixture from the board.

Franks teaches the step of affixing the item to the board with an elastic staple (col. 1, line 65 - col. 2, line 4).

Loshkajian teaches the step of stabilizing the item (40) on the board (10) with a fixture (50) (Figs. 1 and 7; [0009]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of affixing the item to the board with an elastic staple, as taught by

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Franks; and the step of affixing the item to the board with an elastic staple, as taught by Loshkajian on the method of AAPA so as to secure the products on sale, such as toy, hardware item or house ware item onto a display board.

Regarding the step of removing the (temporary) fixture from the board, it is well known in the art to utilize temporary fixture like clamp or clips to hold the items steady while affixing them on the board. It would have been obvious to one of ordinary skill in the art, at the time of the invention to utilize such temporary fixtures on the method of AAPA so as to stabilize the items while affixing them on the board and remove the temporary fixtures after affixing.

Regarding Claim(s) 3, AAPA teaches the step of feeding a board comprises the step of automatically placing a board on the table.

Regarding Claim(s) 4, AAPA teaches the step of placing the item on the board comprises the step of manually placing the item on the board.

Regarding Claim(s) 5, AAPA teaches feeding a board comprises the step of utilizing a feeder arm (page 3, line 5).

Regarding Claim(s) 6, Loshkajian teaches the step of stabilizing the item with a fixture comprises the step of placing an open fixture against the board and loading the open fixture with the item so the item contacts the board (Fig. 7).

Regarding Claim(s) 7, Loshkajian teaches stabilizing the item comprises the step of pressing the item against the board with the fixture (Fig. 7).

Regarding Claim(s) 8, AAPA teaches the step of removing the boarded item from the table utilizing a lift arm (page 3, lines 3-9).

Regarding Claim(s) 9, Franks teaches the step of affixing the item to the board with a

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plurality of elastic staple (col. 1, line 65 - col. 2, line 4).

3. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA(Applicant's Admitted Prior Art) in view of Loshkajian (U.S. 2005/0000979) and Franks (U.S. Patent 6732899).

Regarding Claim(s) 10, AAPA as found on page 2, line 8-page 3, line 18 of the specification, teaches a method of boarding an item comprising the steps of: feeding a board onto a table; placing an item on the board and step of removing the board with the item affixed from the table..

But AAPA fails to teach the step of stabilizing the item with a fixture; and attaching item to the board with an elastic staple while the item is contiguous to the fixture.

Loshkajian teaches the step of stabilizing the item (40) with a fixture (50) and the item is contiguous to the fixture (Figs. 1 and 7; [0009]).

Franks teaches the step of attaching item to the board with an elastic staple (col. 1, line 65 - col. 2, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of affixing the item to the board with an elastic staple , as taught by Loshkajian ; and the step of attaching item to the board with an elastic staple, as taught by Franks; and on the method of AAPA so as to secure the products on sale, such as toy, hardware item or house ware item onto a display board.

Regarding the step of removing the (temporary) fixture from the board, it is well known in the art to utilize temporary fixture like clamp or clips to hold the items steady while affixing

tem on the board. It would have been obvious to one of ordinary skill in the art, at the time of the invention to utilize such temporary fixtures on the method of AAPA so as to stabilize the items while affixing them on the board and remove the temporary fixtures after affixing.

Response to Arguments

Applicant's arguments filed 5/10/07 have been fully considered but they are not persuasive.

Applicant argued that the Fixture is temporary and removed after affixing the item, but

Regarding the step of removing the (temporary) fixture from the board, it is well known in the art to utilize temporary fixture like clamp or clips to hold the items steady while affixing tem on the board. It would have been obvious to one of ordinary skill in the art, at the time of the invention to utilize such temporary fixtures on the method of AAPA so as to stabilize the items while affixing them on the board and remove the temporary fixtures after affixing.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN C. HONG whose telephone number is 571-272-4529. The examiner can normally be reached on M-F 9:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID BRYANT can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JOHN C HONG
Primary Examiner
Art Unit 3726

jh
July 23, 2007